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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00684 EJD
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING TO
v.	)	September 10, 2012 AND EXCLUDING
	)	TIME FROM August 6, 2012 TO
HERMINIO SANTIAGO-GARCIA,	)	September 10, 2012 FROM THE SPEEDY
	)	TRIAL ACT CALCULATION
Defendant.	)	
	)	
	)	

The Parties, HERMINIO SANTIAGO-GARCIA and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for August 6, 2012 be vacated, and that the hearing be re-set for September 10, 2012 at 1:30 pm. The parties are requesting the continuance of the hearing to the above date given that both parties need additional time to jointly negotiate a resolution in this matter.

The parties stipulate that the time between August 6, 2012 and September 10, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of

1 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
2 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

3  
4 DATED: August 1, 2012

MELINDA HAAG  
United States Attorney

5  
6 /s/  
ANN MARIE E. URSINI  
7 Special Assistant United States Attorney

8  
9 /s/  
VARELL L. FULLER  
10 Attorney for Defendant

1 ~~XXXXXXXXXX~~  
2 **PROPOSED** ORDER

3 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
4 ORDERS that the hearing in this matter previously set for August 6, 2012 is vacated, and the  
5 matter is continued to September 10, 2012 at 1:30 am. Further, the Court ORDERS that the time  
6 between August 6, 2012 and September 10, 2012 is excluded under the Speedy Trial Act, 18  
7 U.S.C. §3161. The court finds that the failure to grant the requested continuance would  
8 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking  
9 into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice  
10 served by granting the requested continuance outweigh the best interest of the public and the  
11 defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore  
12 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and  
13 (B)(iv).

14 IT IS SO ORDERED.

15 DATED: August 2, 2012



THE HONORABLE EDWARD J. DAVILA  
United States District Judge